REMARKS

Claims 1-16 remain in this application. Reconsideration of the application is requested.

A sentence such as that set forth in section 2 on page 2 of the Office Action already appears as paragraph 0001 of the specification.

Independent claims 1 and 9 are rejected, along with dependent claims 3-5 and 11-13, as anticipated by U.S. Patent 3,565,497 to Miller. Reconsideration is requested, since it is respectfully submitted that the Miller assembly does not constitute an arrangement in which a bearing housing is mounted in and attached to a carrier housing as now particularly defined by claim 1. It is also respectfully submitted that the Miller arrangement is not assembled by placing a bearing housing in a carrier housing and attaching the exhaust gas turbo charger to the carrier housing as claim 9 particularly defines.

As shown in Figure 1 of the Miller patent, the Miller exhaust gas turbocharger includes a turbine housing 11, a compressor housing 13, and a bearing housing provided in the central housing portion 17. A shaft 14 is arranged in the bearing housing, which is supported through bearings 36a on the bearing housing. The lubricant is fed to the bearings 36a through an inlet port 37 and passages 38. The lubricant is eliminated from a cavity 39 through an outlet port 41. Attention is directed to Figure 2 and column 3, lines 23 to 28 of the Miller patent.

In Figure 1 of the Miller patent, a feed line is shown as leading to the bearing housing; this feed line appears in the upper half of the drawing. An exhaust line is represented in the lower half of the same drawing. An annotated version of Figure 1 of the Miller patent is also appended to this Reply for clarification. It is apparent from Figures 1 and 2 of the Miller patent that the lubricant is fed to the inlet port 37 through the inlet line (IN) and lubricant is eliminated through the outlet port 41 by way of the outlet line (OUT). The inlet line (IN) is fastened through a fastening plate using two screws on the bearing housing. The outlet line (OUT) is likewise fastened through a fastening plate onto the bearing housing 17 using two screws. Again, the limitations in claims 1 and 9 mentioned above are not met by the Miller assembly. The Miller patent, moreover, also fails to disclose an ancillary centering device as required by claims 3-5 and 11-13. A centering device is not necessary in the Miller assembly, since the feed line and the exhaust or outlet line are respectively fixed into position on the bearing housing through fastening plates.

It is respectfully submitted that, for reasons discussed above, none of claims 1, 3-5, 9, and 11-13 is anticipated by the Miller patent relied on.

U.S. Patent 4,738,548 to Zloch et al. is relied on in combination with the Miller patent to reject claims 2, 6-8, 10, and 14-16 under 35 U.S.C. §103(a). The Zloch et al. patent, however, does not suggest modifying the Miller assembly such that the limitations in claims 1 and 9 discussed above are met, and the Miller and Zloch et al. patents, taken as a whole, therefore fail to suggest the subject matter of claims 1 and 9. It is respectfully submitted, therefore, that

claims 1 and 9 are patentable. The rest of the claims in this application are dependent claims and are patentable as well.

Should the Examiner have any questions after considering this Reply, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

Date: November 4, 2004

Richard R. Diefendorf
Reg. No. 32,390

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
RRD:msy

OIPE JC25 NOV 04 2004 PATENT & TRADEMARK OFFICE

Feb. 23, 1971 E. H. MILLER 3,565,497

TURBOCHARGER SEAL ASSEMBLY

Filed May 23, 1969 2 Sheets-Sheet 1

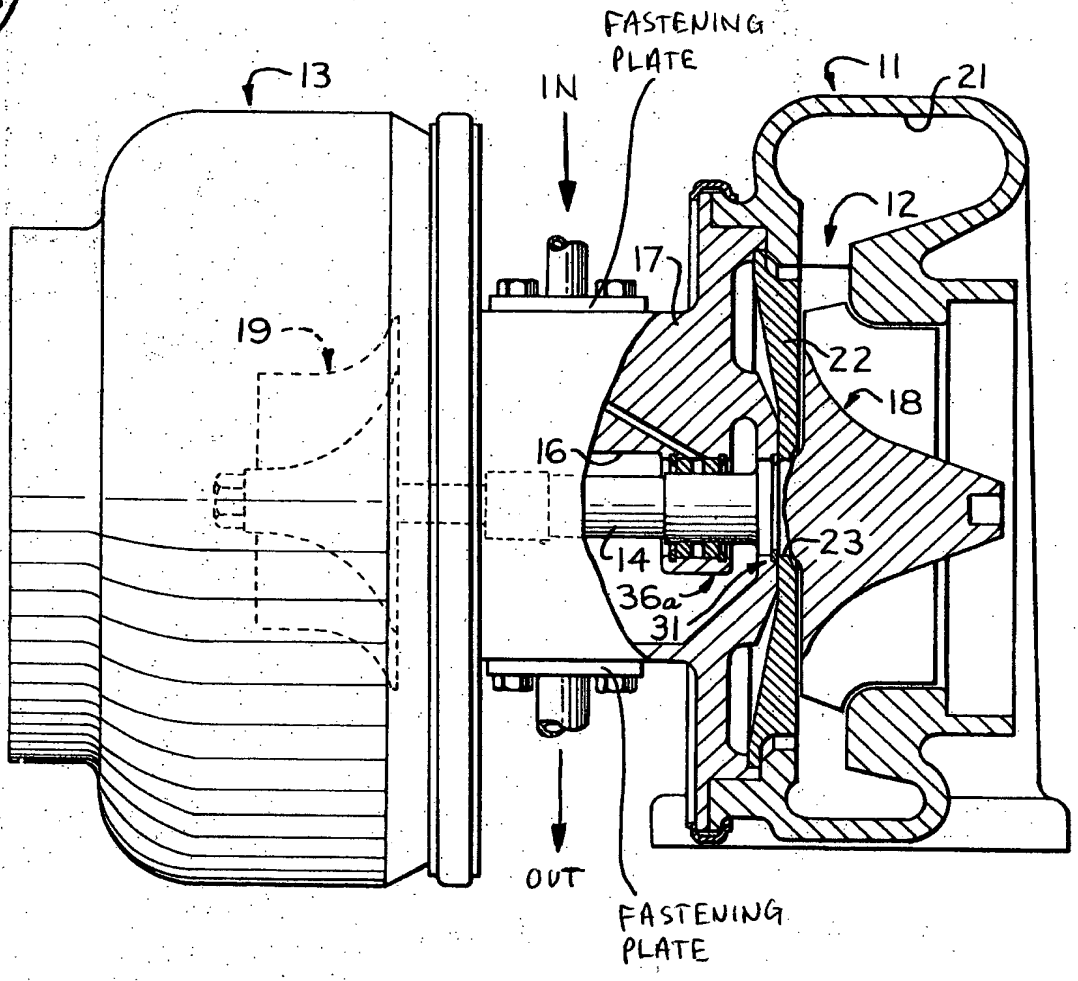

Fig. 1.

INVENTORS
ELBERT H. MILLER

BY
Fryer, Zimmerli, Zint, Phillips & Lempio
ATTORNEYS

BEST AVAILABLE COPY